



Testimony of Alexander Fullman  
before the Committee on Government Administration and Elections  
March 7, 2016

Common Cause  
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**RE: Testimony in support of Raised Bill No. 5514, An Act Concerning the Department of Motor Vehicles and Automatic Voter Registration**

Senator Cassano, Representative Jutila, and Distinguished Members of the Government Administration and Elections Committee:

Thank you for the opportunity to speak today. My name is Alexander Fullman.<sup>1</sup> I am a first-year student at Yale Law School, and I am testifying on behalf of Common Cause in Connecticut, a nonprofit organization dedicated to the core values of American democracy, including the promotion of equal rights and empowering all individuals to participate and make their voices heard in the political process.<sup>2</sup>

First and foremost, I would like to express full support for Raised Bill No. 5514, An Act Concerning the Department of Motor Vehicles and Automatic Voter Registration. The passage of this bill would mark an important step in modernizing and improving the Connecticut voter registration process, and would make it far easier for Connecticut's citizens to register to vote. Indeed, the passage of this bill would establish Connecticut as a leader in voter registration practices, joining Oregon and California in becoming the first states to facilitate the most basic aspect of democracy – the vote – in Connecticut by easing the registration process for citizens through automatic voter registration legislation. With approximately 24 percent of eligible voters unregistered in the United States and with one in eight voter registrations in the United States either invalid or inaccurate, laws like the one proposed here are fundamental to allowing citizens to exercise their democratic right to vote easily while simultaneously preventing voter fraud and ensuring the integrity of elections and voting rolls.<sup>3</sup>

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<sup>1</sup> Written as part of the Legislative Advocacy Clinic at Yale Law School's Jerome N. Frank Legal Services Organization under the supervision of J.L. Pottenger, Jr., Nathan Baker Clinical Professor of Law, Ellen Scalettar, Visiting Clinical Lecturer, Shelley Geballe, Clinical Lecturer, and Alex Knopp, Visiting Clinical Lecturer.

<sup>2</sup> <http://www.commoncause.org/states/connecticut>

<sup>3</sup> <http://democracyjournal.org/states/connecticut-easy-the-case-for-automatic-registration/>

<sup>3</sup> <http://democracyjournal.org/magazine/28/make-it-easy-the-case-for-automatic-registration/>

The procedures set out in this bill mirror current motor voter laws adopted in response to the National Voter Registration Act of 1993, and reflect current processes in Connecticut used to register voters through the DMV in compliance with federal practices and regulations. I thought it would be helpful to articulate the ways that the bill does, indeed, mirror the laws passed in the two states that have passed automatic voter registration laws. In 2015, automatic voter registration legislation bills were introduced in a total of 18 states.<sup>4</sup> Two states – Oregon<sup>5</sup> and California<sup>6</sup> – became the first to adopt such legislation last year. Numerous countries in the world, including Chile, Finland, Italy, and Switzerland, also have automatic voter registration procedures.

This testimony highlights the key elements for such a bill, providing a comparative analysis of the bill now before the Committee with the laws enacted in Oregon and California.

- **Scope:** The legislation in all three states defines the scope of the interaction before the DMV as any individual who comes in to submit an application for a driver's license or license renewal, an identity card, or any other application or renewal form, or a change of address form. The Connecticut bill differs, however, in that the bill empowers the Secretary of the State to designate other state agencies (possible agencies could include the Department of Education and the Department of Public Health) to conduct automatic voter enrollment. Additionally, the California legislation appears to enroll any individual of at least 16 years of age automatically upon contact with the DMV, with the ability to vote in the next election where the individual would be eighteen. In Oregon, any individual of at least seventeen years of age with contact with the DMV is subject to the automatic voter registration provisions. In the Connecticut bill, the individual must attest either to having attained the age of eighteen years or to that the individual will have attained the age of eighteen on or before the day of a regular election.<sup>7</sup>
- **Information to be gathered:** In the California and Connecticut laws, similar information is acquired by the Department of Motor Vehicles (or alternate state agency as designated by the Secretary of the State in Connecticut). In both states, the requested information includes the individual's name, date of birth, residence address, telephone number, political party preference, whether the individual declines to register to vote, and whether the individual

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<sup>4</sup> <http://www.brennancenter.org/analysis/automatic-voter-registration>

<sup>5</sup> <https://olis.leg.state.or.us/liz/2015R1/Downloads/MeasureDocument/HB2177/Enrolled>

<sup>6</sup> [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB1461](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1461)

<sup>7</sup> I suggest that the committee amend the proposed legislative language to clarify in Section 1(b)(1)(I) that the individual must attest to being a “United States citizen who has attained the age of eighteen years or who will have attained such age on or before the day of **the next** regular election” (changes in bold) in order to clarify that young individuals applying for identification cards are not registered to vote by the DMV.

attests to meeting the state's voter eligibility requirements. The bill before the Committee also asks for either the Connecticut driver's license number, identity card number, or last four digits of the individual's social security number, gender, digital copy of the individual's signature, and any other information required by the Secretary of the State. In California, individuals at the DMV are also asked whether they wish to become a permanent vote-by-mail voter.

- **Process once information has been collected:** Once the information is received by the DMV, each state follows different procedures. In Oregon, the Department of Transportation provides the Secretary of State's Office with the electronic record. Upon receipt, the Secretary of State or county clerk of the area where the person would be registered as an elector would then notify the person of the procedures to decline to be registered, or to adopt a political party affiliation. If a person does not decline to be registered within three weeks after the notification is issued, the person's registration would be considered complete. If a citizen did not elect to opt out or indicate a party preference, the Secretary of State's office would then register the individual as an unaffiliated voter and would automatically mail a ballot to the individual 20 days before an election.
- **Opting Out:** In both the California and Connecticut bills, the options to opt-out and select a party affiliation are done at the DMV. In California, however, information from the DMV is transmitted directly to the Secretary of State's office electronically; in the Connecticut bill, the DMV or other state agency bypasses the Secretary of the State's office, and is transmitted directly to the relevant registrar of voters of the person's municipality.
- **Start Date:** The bill currently before the Connecticut legislature is similarly unique in that it would become effective as of July 1, 2017; the California and Oregon laws, in contrast, are slated to go into effect in 2016. The bill under consideration builds off of existing DMV practices. Because voters can already register to vote at the DMV, the bill reflects current voting registration procedures, including the DMV playing a roll in voting registration. The bill simply modernizes and modifies procedures already in place at the DMV, and does not place a new burden or responsibility upon the DMV. However, in light of the problems currently plaguing the DMV, the additional year provided before the bill becomes effective prudently provides the DMV with ample time to incorporate automatic voter registration procedures in accordance with the bill and the Secretary of the State as it works to improve the DMV's processes and update technology. Passing this bill during the current legislative process will further allow the DMV to incorporate the changes to its practices as it amends other procedures and practices and improves its services to the citizens of

Connecticut.

The three laws carry significant differences, not least because the voting systems in each state are different. As I have noted, Connecticut differs from California and Oregon in the significant respect that Connecticut does not allow for permanent voting by mail, while California and Oregon do. Despite this difference and the procedural differences called for by each bill, all three bills share a common, important public policy purpose to the legislation: to facilitate an increase in the voting registration level within each state. Each state already must comply with the National Voter Registration Act of 1993; in accordance with that national policy, the DMV in each state is already required to offer voter registration opportunities to individuals applying for driver's licenses or with other business before the DMV. The DMV in Connecticut thus already carries substantial obligations for voter registration; the proposed legislation is an extension of the existing obligation already carried by the DMV to assist individuals in registering to vote, and fits well with existing laws and procedures and into an existing statutory scheme born of a longstanding national policy.

The legislation currently before this committee is an important step that will significantly improve voter registration practices in the state and reduce the number of eligible unregistered voters, and is in line with the automatic voter registration practices adopted in California and Oregon and proposed in numerous other states.